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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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BY:

DEPUTY

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DAVID M. McNEES
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Attorneys for Plaintiff
United States of America

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$23,120.00 IN US CURRENCY,

ONE 2007 CHEVROLET AVALANCHE
TRUCK, CA LICENSE NO. 8E38789,
VIN 3GNEC12J17G138443, ITS TOOLS
AND APPURTENANCES,

ONE 2003 AUDI QUATTRO SEDAN,
CA LICENSE NO. 5LKB440,
VIN WAULC68E73A197008, ITS TOOLS
AND APPURTENANCES,

\$1,200.00 IN U.S. CURRENCY,

Defendants.

Civil No. '08 CV 0074 IEG NLS

COMPLAINT FOR
FORFEITURE

By way of complaint against the defendants,

\$23,120.00 IN US CURRENCY,

ONE 2007 CHEVROLET AVALANCHE TRUCK, CA LICENSE NO.
8E38789, VIN 3GNEC12J17G138443, ITS TOOLS AND
APPURTENANCES,

ONE 2003 AUDI QUATTRO SEDAN, CA LICENSE NO. 5LKB440,
VIN WAULC68E73A197008, ITS TOOLS AND APPURTENANCES,
and

\$1,200.00 IN U.S. CURRENCY,

CR

1 (hereinafter "defendants"), the United States of America alleges:

2 1. This Court has jurisdiction over this action by virtue of the provisions of Title 28,
3 United States Code, Section 1355, and Title 21, United States Code, Section 881.

4 2. Venue is proper in this district pursuant to Title 28, United States Code, Section 1395,
5 because the defendant properties were found within this district.

6 3. On August 22, 2007, San Diego county sheriff deputies executed a Fourth Amendment
7 waiver search at a residence on Olive Hill Road in Fall brook, California. Detectives knew Eliseo
8 Jimenez ("Jimenez") and Melissa Archambault ("Archambault") to live at the residence. Jimenez was
9 subject to Fourth Amendment waiver search conditions. As deputies approached the residence, they
10 observed Jimenez and another male running away from the residence. Jimenez' wallet with his
11 identification was later found at the residence pursuant to the search.

12 During the search of the residence, deputies located \$23,120.00 in U.S. Currency, to which a
13 narcotics K-9 positively alerted, and an electronic money counter. In the garage of the residence
14 deputies observed about 20 large black trash bags which contained smaller clear plastic bags of
15 marijuana. Two duffel bags which contained smaller bags of marijuana were also found. There was
16 a total of 196 pounds of high-grade marijuana found in the garage. Also in the garage, deputies located
17 a wallet containing identification for Jimenez, an electronic scale, and a loaded .25 caliber pistol.

18 Once finished at the residence, deputies contacted Archambault, who claimed Jimenez stays at
19 the house once or twice every couple of weeks. Inside the house were numerous items of dominion and
20 control for Jimenez, as well as male clothing and shoes in his size. Archambault also claimed not to
21 know anything about the large amount of cash in her walk-in closet, or the large amount of marijuana
22 found in her garage. She knew the money had been there a couple days; however, she said she did not
23 know where it had come from and she had not asked Jimenez about it.

24 Deputies then searched the three vehicles located in the driveway. In a green Jeep Cherokee
25 deputies located a bag of marijuana on the passenger side floorboard and an electronic scale on the
26 passenger seat. The narcotics trained K-9 gave a positive alert outside the vehicle. In the Audi which
27 Jimenez had been observed driving on numerous occasions, \$1,200.00 in U.S. Currency was located in
28 the trunk. The narcotics trained K-9 also made an alert on the outside of this vehicle. A 2007

1 Chevrolet Avalanche which Archambault drove was also in the driveway. The title for this vehicle in
2 Jimenez' name was located inside the residence. Archambault paid for this thirty thousand dollar
3 vehicle despite not having any record of employment.

4 Jimenez turned himself into deputies the following day after contacting his attorney. He pled
5 guilty to possessing marijuana for sale on October 11, 2007.

6 Count 1

7 \$23,120.00 IN U.S. CURRENCY

8 4. Paragraphs 1-3 are incorporated as a part hereof.

9 5. On and/or prior to August 22, 2007, the Count 1 defendant currency was a thing of value
10 furnished or intended to be furnished in exchange for a controlled substance or listed chemical in
11 violation of Title 21 of the United States Code, Section 881.

12 6. Alternatively, on and/or prior to August 22, 2007 the Count 1 defendant currency
13 represented the proceeds of or proceeds traceable to an exchange for a controlled substance or listed
14 chemical in violation of Title 21 of the United States Code, Section 881.

15 7. Because of the aforementioned acts or uses alleged herein, either singly or in
16 combination, the Count 1 defendant currency is subject to forfeiture pursuant to Title 21, United States
17 Code, Section 881(a)(6).

18 8. The Count 1 defendant currency is presently stored within the jurisdiction of this Court.

19 Count 2

20 ONE 2007 CHEVROLET AVALANCHE TRUCK

21 9. Paragraphs 1-3 are incorporated as a part hereof.

22 10. On and/or prior to August 22, 2007, the Count 2 defendant vehicle was a thing of value
23 furnished or intended to be furnished in exchange for a controlled substance or listed chemical in
24 violation of Title 21 of the United States Code, Section 881.

25 11. Alternatively, on and/or prior to August 22, 2007 the Count 2 defendant vehicle
26 represented the proceeds of or proceeds traceable to an exchange for a controlled substance or listed
27 chemical in violation of Title 21 of the United States Code, Section 881.

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1 12. Because of the aforementioned acts or uses alleged herein, either singly or in
2 combination, the Count 2 defendant vehicle is subject to forfeiture pursuant to Title 21, United States
3 Code, Section 881(a)(6).

4 13. The Count 2 defendant vehicle is presently stored within the jurisdiction of this Court.

5 14. The value of the Count 3 defendant vehicle is approximately \$32,295.00.

6 Count 3

7 ONE 2003 AUDI QUATTRO SEDAN

8 15. Paragraphs 1-3 are incorporated as a part hereof.

9 16. On and/or prior to August 22, 2007, the Count 3 defendant vehicle was used to facilitate
10 narcotics trafficking activities in violation of Title 21, United States Code, Section 881(a)(4).

11 17. Alternatively, on and/or prior to August 22, 2007, the Count 3 defendant vehicle was
12 used and was intended to be used to transport and/or to facilitate the transportation, and/or sale, and/or
13 receipt, and/or possession, and/or concealment of a controlled substance in violation of Title 21 of the
14 United States Code, Section 881(a)(4).

15 18. Alternatively, on and/or prior to August 22, 2007, the Count 3 defendant vehicle
16 represented the proceeds of or proceeds traceable to an exchange for a controlled substance or listed
17 chemical in violation of Title 21 of the United States Code, Section 881(a)(6).

18 19. Because of the aforementioned acts or uses alleged herein, either singly or in
19 combination, the Count 3 defendant vehicle is subject to forfeiture pursuant to Title 21, United States
20 Code, Sections 881(a)(4) and 881(a)(6).

21 20. The Count 3 defendant vehicle is presently stored within the jurisdiction of this Court.

22 21. The value of the Count 3 defendant vehicle is approximately \$14,100.00.

23 Count 4

24 \$1,200.00 IN U.S. CURRENCY

25 22. Paragraphs 1-3 are incorporated as a part hereof.

26 23. On and/or prior to August 22, 2007, the Count 4 defendant currency was a thing of value
27 furnished or intended to be furnished in exchange for a controlled substance or listed chemical in
28 violation of Title 21 of the United States Code, Section 881.

1 24. Alternatively, on and/or prior to August 22, 2007 the Count 4 defendant currency
2 represented the proceeds of or proceeds traceable to an exchange for a controlled substance or listed
3 chemical in violation of Title 21 of the United States Code, Section 881.

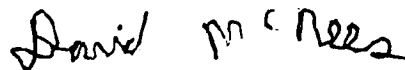
4 25. Because of the aforementioned acts or uses alleged herein, either singly or in
5 combination, the Count 4 defendant currency is subject to forfeiture pursuant to Title 21, United States
6 Code, Section 881(a)(6).

7 26. The Count 4 defendant currency is presently stored within the jurisdiction of this Court.

8 WHEREFORE, the United States prays that due process issue to enforce the forfeiture of the
9 defendants, and that due notice be given to all interested parties to appear and show cause why said
10 forfeiture should not be declared.

11 DATED: January 14, 2008

12 KAREN P. HEWITT
13 United States Attorney

14 

15 DAVID M. McNEES
16 Special Assistant U.S. Attorney

VERIFICATION

1
2 I, Eric Ball, hereby state and declare as follows:


3 1. I am a Drug Enforcement Agent with the United States Drug Enforcement
4 Administration

5 2. I have read the foregoing complaint and know its contents.

6 3. The information in the complaint was furnished by official Government
7 sources. Based on this information, I believe the allegations in the complaint to be true.

8 I declare under penalty of perjury that the foregoing is true and correct, to the best of
9 my knowledge and belief.

10 Executed on 0-9-2008.

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12 
13 ERIC BALL, Drug Enforcement Agent
14 Drug Enforcement Administration
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JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

San Diego

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

SAUSA DAVID M. MCNEES
880 FRONT STREET, ROOM 6293
SAN DIEGO, CA 92101-8893
(619) 557-5979

DEFENDANTS

\$23,120.00 IN US CURRENCY

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

ATTORNEYS (IF KNOWN)

RICHARD M. BARNETT, ESQ.
105 WEST F STREET, 4TH FLOOR
SAN DIEGO CA 92101
(619) 231-1182

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PT | DEF | | PT | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

TITLE 21, UNITED STATES CODE, SECTION 881(a)(6) and (a)(4)

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input type="checkbox"/> 195 Contract Product	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product <input type="checkbox"/> 320 Assault, Libel & Liability <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Liability <input type="checkbox"/> 360 Other Personal	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input checked="" type="checkbox"/> 625 Drug Related of Property 21 USC881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Exchange <input type="checkbox"/> 875 Customer Challenge <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic <input type="checkbox"/> 893 Environmental <input type="checkbox"/> 894 Energy Allocation <input type="checkbox"/> 895 Freedom of <input type="checkbox"/> 900 Appeal of Fee Under Equal Access to <input type="checkbox"/> 950 Constitutionality of <input type="checkbox"/> 890 Other Statutory
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product <input type="checkbox"/> 290 All Other Real	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prisoner Conditions			

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ Original Proceeding
☐ 2 Removal from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See

JUDGE

Docket Number

DATE
1/14/08

SIGNATURE OF ATTORNEY OF RECORD

DAVID M. MCNEES, SAUSA

CR

David M. McNees